

III.. REMARKS

1. Claim 19 is amended to address the 35 U.S.C. §112, first paragraph rejection. Support for the claim language can be found, for example on page 6, lines 5-10.

2. Claims 1, 2, 5, 11, 15, 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 98/13790 and U.S. Patent No. 5,128,752, ("Kohorn") and the Toshiba article.

It is respectfully submitted that the reference WO 98/13790 is not prior art against Applicant's application for patent. As recited in M.P.E.P. §1857.01, since WO 98/13790 was filed prior to November 29, 2000, it may only be used as prior art as of its publication date. Thus, the effective date of WO 98/13790 is its International Publication date, which is **April 2, 1998**. This is after Applicant's priority date, which is **January 30, 1998**. (U.S. Serial No. 60/073,144). Since Applicant's invention precedes WO 98/13790, the reference cannot be applied as prior art.

The Examiner has similarly applied WO 98/13790 to the rejection of claims 6-9, 13, 14, 16 and 20; claims 3-4; and claim 12.

Thus, the rejection of these claims is not proper, since WO 98/13790 is not prior art.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.